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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPEAL NO. 710 OF 2025

SANDIP ASARAM DESHMUKKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.N.B.Narwade, Advocate for the appellant.
Mrs.A.S.Mantri, APP for the respondent/State.
Ms.S.L.Awachar, Advocate for respondent No.2 (Appointed)

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 1 DECEMBER, 2025

PER COURT :

1. By this appeal, the appellant is challenging the order dated 30.06.2025 passed by the learned Additional Sessions Judge, Ahmednagar in Special Case No.113/2025, whereby his bail application was rejected. He is further seeking regular bail in connection with Crime No.I-205/2025 registered on 28.02.2025 with Tophkhana Police Station, Dist.Ahmednagar for the offence punishable under Sections 62(2)(f), 74, 351(2)(3), 115(2) of the Bharatiya Nyaya Sanhita, 2023 with Sections 4, 5, 6, 8, 10 and 12 of the POCSO Act and under Sections 3(1)(w)(i)(ii), 3(2)(va), 3(2)(v), 3(1)(r) of the Scheduled

Caste and Scheduled Tribes (Prevention of Atrocities Act).

2. The FIR came to be registered on 28.02.2025 on the basis of report lodged by the victim, who is 15 years of age. According to her, her biological father had expired and her mother married to the present appellant, who is her step father. She has stated in her report that on some occasions, the appellant has sexually assaulted her and thereafter she tried to inform the said incident to her mother. Then she went to school and informed the incident to her teachers, who alongwith some social activists reported the incident to the Police. On the aforesaid allegations, FIR came to be registered against the appellant.

3. The learned Advocate for the appellant states that the appellant/applicant has been falsely implicated in the instant crime, as he had slapped the victim and due to such assault, the victim had got annoyed and therefore she reported the said incident to the Police Authorities. It is stated that the appellant is in jail since 28.02.2025. The charge sheet has also been filed in the instant case. Therefore, he submits that the trial would take it's own time to commence and

conclude it. Therefore, it is submitted that the appellant cannot be kept behind bars for unknown period.

4. Per contra, the learned APP has strongly opposed the incident alleging that according to her, the crime is highly heinous in nature, which is totally unacceptable to the Society. Merely a girl of 15 years of age has been sexually assaulted by her step father. The act itself is very serious in nature, and therefore the appellant, at any costs, may not be granted regular bail.

5. Ms.Awachar, the learned Advocate (appointed through the High Court Legal Aid Sub Committee) has strongly opposed the instant appeal, by adopting the submissions of the learned APP.

6. During the pendency of this appeal, this Court vide order dated 24.11.2025, has directed the Investigating Officer to record the latest statement of the victim in pursuance to the ongoing appeal pending before this Court. The statement of the victim is accordingly recorded by the Investigating Officer Mr.Mangesh N.Gontla, API on 26.11.2025, which is taken on record and marked as 'X' for

identification. Today the victim alongwith her mother is present before the Court. The victim in her statement has stated that the appellant is falsely implicated, due to the fact that she was slapped by her step father and being annoyed with the same, she had lodged the complaint. But now she is not intending to prosecute the appellant any further.

7. In that view of the matter, the instant appeal is allowed on certain terms and conditions :-

- (i) Until further orders, the appellant in Crime No.I-205/2025 registered on 28.02.2025 with Tophkhana Police Station, Dist.Ahmednagar for the offence punishable under Sections 62(2)(f), 74, 351(2)(3), 115(2) of the Bharatiya Nyaya Sanhita, 2023 with Sections 4, 5, 6, 8, 10 and 12 of the POCSO Act and under Sections 3(1)(w)(i)(ii), 3(2)(va), 3(2)(v), 3(1)(r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), be released on bail on his furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- (ii) The appellant shall attend the concerned Police Station as and when required and shall cooperate with the investigation.
- (iii) The appellant shall furnish details of his residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be

immediately informed to the concerned police station.

- (iv) The appellant shall not leave the jurisdiction of the competent Court without prior permission, until further orders.
- (v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

8. The order dated 30.06.2025 passed by the learned Additional Sessions Judge, Ahmednagar in Special Case No.113/2025, is hereby quashed and set aside.

9. The High Court Legal Aid Sub Committee, Aurangabad is directed to quantify and pay the fees payable to the learned Advocate Ms.Awachar (appointed), as per Rules.

(SUSHIL M. GHODESWAR, J.)